

REMARKS

Entry of the foregoing, reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested in light of the remarks which follow.

Claims 1-16 are pending. Claims 3, 4, and 6-13 have been withdrawn from consideration. Applicants reserve the right to file at least one continuation application directed to any subject matter canceled herein.

Claims 1, 2 and 15 have been amended herein. Claims 1, 2 and 15 are amended to provide American common spellings of certain words. Basis for the amendment may be found in the specification and claims as-filed. Thus, no new matter is presented by way of the present Amendment.

Applicants appreciate the acknowledgement of Applicants' claim for priority as a continuation of PCT/IB02/02725 filed 11 July 2002, which further claims priority to South African Application No. 2001/5700 filed 11 July 2001.

Objections to the Claims

Claims 1, 2 and 15 are objected to because the claims use the terms "leucocyte(s)" and "haematology analyzer" (British spellings). Applicants have amended to claims to recite the American English spelling of each of these words.

Rejections under 35 U.S.C. 112

Claims 1, 2, 5 and 14-16 stand rejected under 35 U.S.C. § 112, second paragraph, as purportedly indefinite. Applicants have amended the claims herein as suggested by the Examiner, in addition to noting the following regarding the claim language. Applicants note that establishing a gate in the context of the present claims refers to establishing a discriminator (*i.e.*, here, a gate) between the cells of interest and the cells which are not of interest. This gate ultimately enables the cells of interest to be counted. Applicants submit that it would be appreciated by one of ordinary skill in the art that discrimination among cells can be accomplished by using a single parameter threshold or a two parameter measurement.

In light of the above amendments and remarks, Applicants request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

CONCLUSION


In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this Reply or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney so that prosecution of this application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 10, 2007

By: 
Deborah H. Yellin
Registration No. 45,904

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620